

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

OJORE MULUMBA AJAMU VII,

Plaintiff,

v.

DR. THOMAS GENSLER and
THOMAS GENSLER,

Defendants.

8:05CV60

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On December 10, 2007, this court entered a memorandum and order granting Defendants' Motion for Summary Judgment and dismissing Plaintiff's action with prejudice against Douglas County Corrections, Unknown Hubbard, J. Lee, Unknown McPhillips, Unknown Alderich, Unknown Barnes, and Unknown Horton in their official and individual capacities. (Filing No. 85.)¹ Furthermore, Plaintiff was ordered to show cause on or before January 7, 2008 why this action should not be dismissed without prejudice against Dr. Thomas Gensler. Plaintiff was warned that in the absence of such showing, this action would be dismissed without prejudice against Dr. Gensler. (Filing No. 85.)

The January 7, 2008 deadline has now passed, and Plaintiff has failed to show cause why this action should not be dismissed without prejudice against Dr. Thomas Gensler. Therefore, because Dr. Gensler is the only remaining Defendant in this action, Dr. Gensler is dismissed from this action without prejudice and Plaintiff's Complaint and this action are dismissed in accordance with this memorandum and order, the Order on Defendants' Motion for Summary Judgment (filing no. 85), and

¹In a separate order dated November 16, 2005, this court granted Plaintiff's Motion to Voluntarily Dismiss Defendant Robert Houston. (Filing No. 35.)

the Order on Plaintiff's Motion to Voluntarily Dismiss Defendant Robert Houston (filing no. 35).

IT IS THEREFORE ORDERED that:

1. This action and Plaintiff's Complaint are dismissed without prejudice against Dr. Thomas Gensler and Robert Houston and with prejudice against Douglas County Corrections, Unknown Hubbard, J. Lee, Unknown McPhillips, Unknown Alderich, Unknown Barnes, Unknown Horton in their individual and official capacities.

2. A separate judgment will be entered in accordance with this memorandum and order.

January 16, 2008.

BY THE COURT:

s/Richard G. Kopf
United States District Judge